Sheet 1

# United States District Court

Southern District of New York JUDGMENT IN A CRIMINAL CASE UNITED STATES OF AMERICA v. Oscar Martinez Case Number: 1:17 CR 510 -1(PGG) USM Number: 72633-054 Grainne E. O'Neill Defendant's Attorney THE DEFENDANT: ✓ pleaded guilty to count(s) pleaded nolo contendere to count(s) which was accepted by the court. was found guilty on count(s) after a plea of not guilty. The defendant is adjudicated guilty of these offenses: Offense Ended Count Title & Section Nature of Offense 4/21/2017 18 Ù.S.C. § 751(a) and 🤞 Escape 18 U.S.C. § 4082(a) of this judgment. The sentence is imposed pursuant to The defendant is sentenced as provided in pages 2 through the Sentencing Reform Act of 1984. ☐ The defendant has been found not guilty on count(s) are dismissed on the motion of the United States. ☐ is  $\square$  Count(s) It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances. 5/17/2018 Date of Imposition of Judgment USDC SDNY Signature of Judge DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Hon. Paul G. Gardephe, U.S.D.J. Name and Title of Judge May 24, 2018

Date

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AO 245B (Rev. 02/18) Judgment in Criminal Case Sheet 2 — Imprisonment

DEFENDANT: Oscar Martinez

CASE NUMBER: 1:17 CR 510 -1(PGG)

| . ,  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
| IMPRISONMENT   |  |  |  |  |  |  |  |  |
| The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total |  |  |  |  |  |  |  |  |
| 1 day.   |  |  |  |  |  |  |  |  |
| . say.   |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| ☑ The court makes the following recommendations to the Bureau of Prisons:                                      |  |  |  |  |  |  |  |  |
| It is recommended that the defendant not be incarcerated in USP Canaan.  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| ☐ The defendant is remanded to the custody of the United States Marshal.                                       |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| ☐ The defendant shall surrender to the United States Marshal for this district:                                |  |  |  |  |  |  |  |  |
| at a.m. p.m. on  |  |  |  |  |  |  |  |  |
| as notified by the United States Marshal.  |  |  |  |  |  |  |  |  |
| The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:  |  |  |  |  |  |  |  |  |
| before 2 p.m. on   |  |  |  |  |  |  |  |  |
| as notified by the United States Marshal.  |  |  |  |  |  |  |  |  |
| as notified by the Probation or Pretrial Services Office.  |  |  |  |  |  |  |  |  |
| זא מוז ציד <i>יקו</i> מד   |  |  |  |  |  |  |  |  |
| RETURN   |  |  |  |  |  |  |  |  |
| I have executed this judgment as follows:  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| Defendant delivered on to  |  |  |  |  |  |  |  |  |
| at, with a certified copy of this judgment.  |  |  |  |  |  |  |  |  |
| at, was a constant of p constant   |  |  |  |  |  |  |  |  |
| UNITED STATES MARSHAL  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |
| By   |  |  |  |  |  |  |  |  |

# 

AO 245B (Rev. 02/18) Judgment in a Criminal Case Sheet 3 — Supervised Release

Judgment—Page 3 of 7

DEFENDANT: Oscar Martinez

CASE NUMBER: 1:17 CR 510 -1(PGG)

# SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

3 years.

page.

### MANDATORY CONDITIONS

| 1. | You   | must not commit another federal, state or local crime.  |  |  |  |  |  |  |  |  |
|----|---|---|--|--|--|--|--|--|--|--|
| 2. | You must not unlawfully possess a controlled substance. |   |  |  |  |  |  |  |  |  |
| 3. |   | must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from risonment and at least two periodic drug tests thereafter, as determined by the court.  The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. (check if applicable) |  |  |  |  |  |  |  |  |
| 4. |   | You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. (check if applicable)  |  |  |  |  |  |  |  |  |
| 5. | $\checkmark$  | You must cooperate in the collection of DNA as directed by the probation officer. (check if applicable)   |  |  |  |  |  |  |  |  |
| 6. |   | You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. (check if applicable)                       |  |  |  |  |  |  |  |  |
| 7. |   | You must participate in an approved program for domestic violence. (check if applicable)  |  |  |  |  |  |  |  |  |
|    |   |   |  |  |  |  |  |  |  |  |

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached

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AO 245B (Rev. 02/18) Judgment in a Criminal Case Sheet 3A — Supervised Release

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|--------------|-----|----|--|

DEFENDANT: Oscar Martinez

CASE NUMBER: 1:17 CR 510 -1(PGG)

#### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

4. You must answer truthfully the questions asked by your probation officer.

5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.

- 7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.

- 10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
- 13. You must follow the instructions of the probation officer related to the conditions of supervision.

| U.S. Probation Office Use Only  |  |
|---|--|
| A U.S. probation officer has instructed me on the conditions specified by the court and has provided judgment containing these conditions. For further information regarding these conditions, see <i>Overvi Release Conditions</i> , available at: <a href="https://www.uscourts.gov">www.uscourts.gov</a> . | me with a written copy of this lew of Probation and Supervised |
| Defendant's Signature   | Date   |

AO 245B(Rev. 02/18) Jud@வை 4 இர்வில் 65510-PGG Document 32 Filed 05/29/18 Page 5 of 7 Sheet 3D — Supervised Release

**DEFENDANT: Oscar Martinez** 

CASE NUMBER: 1:17 CR 510 -1(PGG)

#### SPECIAL CONDITIONS OF SUPERVISION

The Defendant will participate in an outpatient drug treatment program approved by the United States Probation Office, which program may include testing to determine whether he has reverted to using drugs or alcohol. I authorize the release of available drug treatment evaluations and reports to the substance abuse treatment provider.

The Defendant will participate in an outpatient mental health treatment program approved by the United States Probation Office. The Defendant must continue to take any prescribed medications unless otherwise instructed by the healthcare provider. I authorize the release of available psychological and psychiatric evaluations and reports to the healthcare provider.

The Defendant shall submit his person, residence, place of business, vehicle, electronic devices or any other property under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. Any search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The Defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.

The Defendant will participate in educational and vocational programs as directed by the Probation Office. It is critically important that the Defendant make use of the vocational programs offered by the Probation Office, and obtain the Probation Office's assistance in finding a job.

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DEFENDANT: Oscar Martinez

CASE NUMBER: 1:17 CR 510 -1(PGG)

## CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

| TO            | TALS   | <u>Assessm</u><br>\$ 100.00  | ent   | JVI  | A Assessme   |  | <u>Fine</u>  |                                   |  | stitution  |  |   |  |
|---------------|--|--|---|--|--|--|--|-----------------------------------|--|--|--|---|--|
| 10            | IALS   | \$ 100.00  |   | <b>3</b>   |  | ·  | \$   |                                   | \$   |  |  |   |  |
|               |  | nination of residetermination.   |   | deferred u   | ntil   | An   | Amended  | Judgmen                           | nt in a Crimi  | inal Cas   | e (AO 245C,  | ) will be e   | entered  |
|               | The defend   | dant must mak  | e restituti   | on (includi  | ng communi   | ity restitution  | on) to the f   | ollowing                          | payees in the  | amount   | listed belo  | ow.   |  |
|               | If the defer<br>the priority<br>before the   | ndant makes a<br>y order or perc<br>United States:   | partial pa<br>entage pa<br>is paid.                                 | yment, eac<br>yment coli   | th payee shal<br>umn below.  | ll receive an<br>However,  | n approxim<br>pursuant to  | ately pro                         | portioned pay<br>C. § 3664(i),   | yment, ui<br>all nonfe   | ıless speci<br>deral vict  | fied otherv<br>ims must b   | vise in<br>e paid  |
| Nar           | ne of Paye   | 2  |   |  | <u> </u>   | Total Loss   | <u>**</u>  | Restitu                           | ıtion Ordere   | <u>d</u>   | Priority (   | r Percent   | age  |
| t<br>-<br>    | · ideo residente e e a   | e entrates are annual and the con-   | * 1   |  |  | The state of the s | A Section of the sect | * 4                               | of the transcent outcome to the second   |  | The state of the s | ***   | , ,  |
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| . 35.         | ngrapos service de service de la composition della composition del | हरू में पहिल्ला करूप करता है के लिए हैं के पहिल्ला करता है के लिए हैं के प्रतिकृत करता है के प्रतिकृत करता है<br>दें<br>अपने के प्रतिकृतिक करता है के प्रतिकृतिक करता है के प्रतिकृतिक करता है के प्रतिकृतिक करता है कि प्रतिकृतिक कर  |   | ggeranica punturante en elegiculo curculo.  4. 2. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5. 5.   | manufacture and manufacture an | en grande dan per renergi sengarangan percebasi<br>dan persentakan senten persentakan dalah senten ber   | ann an tha the same and the sam | ,                                 | on a market state of the state  |  | encertainment terrenten er en  | and the state of t    |  |
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| то            | ΓALS   |  | \$  |  | 0.00   | _ \$_  |  |                                   | 0.00   |  |  |   |  |
|               | Restitutio   | n amount orde  | red pursu   | ant to plea  | agreement  | \$   |  |                                   |  |  |  |   |  |
|               | fifteenth o  | ndant must pay<br>lay after the da<br>es for delinque  | ite of the  | udgment,   | pursuant to  | 18 U.S.C. §  | 3612(f).   |                                   |  |  |  |   |  |
|               | The court  | determined th  | at the def  | endant doe   | s not have th  | he ability to  | pay intere   | st and it                         | is ordered tha   | at:  |  |   |  |
|               | ☐ the ir   | iterest requirer   | nent is wa  | ived for th  | ne 🗌 fir   | ne 🗆 re  | estitution.  |                                   |  |  |  |   |  |
|               | ☐ the ir   | iterest requirer   | nent for th   | ne 🗆   | fine $\square$   | restitution  | is modifie   | d as follo                        | ws:  |  |  |   |  |

<sup>\*</sup> Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

| <br> | <br>    |        |   |    |   |
|------|---------|--------|---|----|---|
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DEFENDANT: Oscar Martinez

CASE NUMBER: 1:17 CR 510 -1(PGG)

#### SCHEDULE OF PAYMENTS

| Hav  | ing a       | assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:   |
|------|-------------|--|
| A    | Ø           | Lump sum payment of \$ 100.00 due immediately, balance due   |
|      |             | not later than , or in accordance with C, D, E, or F below; or   |
| В    |             | Payment to begin immediately (may be combined with $\square$ C, $\square$ D, or $\square$ F below); or   |
| С    |             | Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after the date of this judgment; or   |
| D    |             | Payment in equal (e.g., weekly, monthly, quarterly) installments of \$ over a period of (e.g., months or years), to commence (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or  |
| E    |             | Payment during the term of supervised release will commence within (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or  |
| F    |             | Special instructions regarding the payment of criminal monetary penalties:   |
| rına | ıncıaı      | the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during d of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmat Responsibility Program, are made to the clerk of the court.  Indant shall receive credit for all payments previously made toward any criminal monetary penalties imposed. |
|      | Join        | at and Several   |
|      | Defe<br>and | Fendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, corresponding payee, if appropriate.   |
|      | The         | defendant shall pay the cost of prosecution.   |
|      | The         | defendant shall pay the following court cost(s):   |
|      | The         | defendant shall forfeit the defendant's interest in the following property to the United States:   |

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVTA assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.